

Item # 37

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

[CONTINUED FROM THE 1/23/07 MEETING]

SUBJECT: C.A. Stone PCD Final Site Plan & Developer's Commitment Agreement

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Dori L. DeBord **CONTACT:** Jeff Hopper **EXT.** 7377

Agenda Date 2/13/07 **Regular** ☒ **Consent** ☐ **Work Session** ☐ **Briefing** ☐
Public Hearing – 1:30 ☐ **Public Hearing – 7:00** ☐

MOTION/RECOMMENDATION:

1. **APPROVE** the Final Site Plan and authorize the Chairman to execute the Developer's Commitment Agreement; and **APPROVE** a Minor Amendment to the PCD Development Order and authorize the Chairman to execute an amendment to the Development Order, for the C.A. Stone PCD, consisting of 6.81 ± acres and located on the southeast corner of Red Bug Lake Road and Mikler Road, based on staff findings (Javier Omana / CPH Engineering Co., applicant); or
2. **DENY** the Final Site Plan and Developer's Commitment Agreement for the C.A. Stone PCD, consisting of 6.81 ± acres and located on the southeast corner of Red Bug Lake Road and Mikler Road, based on staff findings (Javier Omana / CPH Engineering Co., applicant); or
3. **CONTINUE** the request until a time and date certain.

District #1 – Dallari

Jeff Hopper, Senior Planner

BACKGROUND:

NOTE: At its January 23, 2007 meeting, the Board continued this item to today's agenda.

The applicant is seeking Final Site Plan approval for a PCD consisting of a bank and three restaurants. The subject property is currently the location of a commercial building formerly serving a golf driving range that existed to the south. On November 13, 2001, the Board approved a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) on the subject property. That

Reviewed by: _____
Co Atty: JKF
DFS: _____
Other: AB
DCM: JS
CM: Cec
File No. rpdp03

rezone did not include a detailed site plan but addressed offices, banks, and sit-down restaurants as the principal uses of the site. Consistent with that approval, the proposed Final Site Plan shows a 5,000 square foot building for a bank or office use, and three additional buildings, totaling 22,500 square feet, for use as restaurants.

Approval criteria in the Development Order created several issues that are now being addressed through the Final Site Plan. The first related to the location of restaurants on the site. Condition 3(B) specified that restaurants were permitted only on the eastern half of the property, with additional stipulations that outdoor seating was prohibited and no outdoor amplification of sound was to be allowed.

On March 14, 2006, the Seminole County Planning & Development Director administratively approved a modification of this condition (see attached letter). This approval was based on an endorsement from the Red Bug Coalition, a neighborhood group representing nearby homeowners who would be directly affected by development on the property (see the attached statement of January 3, 2006 signed by Coalition Chairman Greg Pryor). As a result, the permitted location for restaurants is now the "eastern three quarters" of the site.

The prohibition on outdoor seating is an issue which has not yet been resolved. During the site plan review process, several prospective tenants expressed an interest in the possibility of outdoor dining areas for customers. After receiving another indication of support from the Red Bug homeowners group (see attached statement of April 27, 2006 signed by Coalition Chairman Greg Pryor), Planning staff determined that the appropriate action was to bring the issue to the Board for approval with the Final Site Plan. A diagram supplied by the applicant shows that outdoor seating, where located on the north side of buildings and adjacent to Red Bug Lake Road, will be set back at least 94.58 feet from the right-of-way line and approximately 240 feet from residential properties across the road in that direction. Per Section 20.11 of the Seminole County Land Development Code, the Planning and Development Director has determined that the proposed amendment is a minor amendment because of its insubstantial nature. With the aforementioned conditions, Staff would recommend that the Board approve the change as a minor amendment to the PCD Development Order which will also be formalized in the Developer's Commitment Agreement. The Land Development Code allows minor amendments to a development order and developer's commitment agreement to be processed without a public hearing.

Staff's recommendation of approval for outdoor seating is subject to three stipulations to avoid an intensity of development that is incompatible with the existing residential uses to the north. One is that such seating be included in, and not added to, the proposed total seating of 775 for the three restaurants noted on the site plan. Also, no bars serving alcoholic beverages should be permitted in outdoor seating areas. Finally, the prohibition on outdoor sound amplification should be retained as stated in the Development Order. These conditions are reflected in the attached Developer's Commitment Agreement and amended Development Order.

Subject to the issues discussed above, Staff finds that the proposed Final Site Plan and Developer's Commitment Agreement comply with all of the conditions contained in the approved Development Order.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Final Site Plan and execution of the Developer's Commitment Agreement for the C.A. Stone PCD, consisting of 6.81 acres located on the southeast corner of Red Bug Lake Road and Mikler Road, based on staff findings.

ATTACHMENTS:

Location Map
Aerial Photo
Final Site Plan
Developer's Commitment Agreement
Approved Development Order
Amended Development Order
Nov. 13, 2001 BCC meeting minutes
Letter from Dan Matthys, March 14, 2006
Letter from Carl Sahlsten, January 3, 2006
Letter from Carl Sahlsten, April 27, 2006

**C.A. STONE PCD
FINAL SITE PLAN**

DEVELOPER'S COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION

On February 13, 2007, the Board of County Commissioners of Seminole County, Florida issued this Developer's Commitment Agreement relating to and touching and concerning the following described property:

I. LEGAL DESCRIPTION

Refer to Exhibit A.

II. PROPERTY OWNER

The current property owner is:	Janet L. Stone Revocable Trust Cecil A. Stone, Trustee 1110 SW Ivanhoe Boulevard, Apt. 19 Orlando FL 32804
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III. STATEMENT OF BASIC FACTS

Total Acreage:	6.81 acres
a. Zoning:	Planned Commercial Development (PCD)
b. Future Land Use:	Planned Development
c. Building Area:	22,500 SF for restaurants 5,000 SF for bank and/or office space

IV. OPEN SPACE CALCULATIONS

Total Land Area:	6.81 acres
Open Space Required:	25% = $6.81 \times 0.25 = 1.70$ acres or 74,160.90 s.f.
Open Space Provided:	82,629.47 s.f. (1.89 acres) = 27.85%

V. PERMITTED USES

- a. Restaurants with alcohol sales (east 750' of subject property) to a maximum of 775 seats
- b. Banks including drive-through facilities (west 200' of subject property)
- c. Offices (west 200' of subject property)

VI. PROHIBITED USES

- a. Restaurants (west 200' of subject property)
- b. Drive-through or fast food restaurants (entire site)
- c. Retail shopping centers (entire site)

VII. LANDSCAPE & BUFFER CRITERIA

- a. The buffers adjacent to Red Bug Lake Road, Mikler Road and the proposed private right-of-way on the east side of the subject property shall be a minimum width of 5 feet and an average width of 10 feet, and shall contain at least 4 canopy trees for every 100 linear feet, or fraction thereof, of frontage along said rights-of-way.
- b. Adjacent to the south property line, the Seminole County Land Development Code requires a minimum buffer width of 25 feet with 8 canopy trees per 100 linear feet and a 6' brick or masonry wall. In place of this standard, however, the developer may choose to meet any of the alternative buffer requirements listed in Exhibit C based on an opacity rating of 0.6 or 60 percent. The Board of County Commissioners recognizes the four landscaping alternatives listed in Exhibit C as equivalent to normal Code requirements in achieving compatibility with adjacent residential property to the south.
- c. At the time of planting, canopy trees shall have a minimum height of 8 feet and minimum caliper of 2½ inches with an overall average of 3 inches, measured 1 foot above the ground. Understory trees shall have a minimum height of 6 feet, and 1½ inch caliper as measured 1 foot above the ground. Shrubs shall have a minimum height of 3 feet attained within 1 year after planting.
- d. In addition to the buffers required in (a) and (b) above, there shall be a screen of landscaping for parking areas adjacent to said buffers. It shall be planted such that a height of at least 3 feet shall be attained within 1 year after planting and shall screen a minimum of 75 percent of the parking areas to that height, as viewed from the right-of-way line.
- e. Any existing trees required to be preserved shall be protected by tree barriers during site construction.
- f. Landscaping shall consist of at least 75% native plant materials.
- g. Except as provided herein, landscape material style and size shall conform to Seminole County Land Development Code specifications.
- h. The landscape planting area for Building Pad 'A' shall be a minimum of 5 ft. wide on the north side of the building as shown in Exhibit B, and the total landscape planting area for this building shall be no less than 1,400 sq. ft.
- i. The landscape planting area for Building Pad 'B' shall be a minimum of 5 ft. wide on the north side of the building as shown in Exhibit B, and the total landscape planting area for this building shall be no less than 2,900 sq. ft.
- j. The landscape planting area for Building Pad 'C' shall be a minimum of 5 ft. wide on the north side of the building as shown in Exhibit B, and the total landscape planting area for this building shall be no less than 2,800 sq. ft.

- k. The landscape planting area for Building Pad 'D' shall be a minimum of 5 ft. wide on the north side of the building as shown in Exhibit B, and the total landscape planting area for this building shall be no less than 3,100 sq. ft.

VIII. DEVELOPMENT COMMITMENTS

- a. Structures on the site shall be limited to the building locations shown on the Final Site Plan (Exhibit D).
- b. The west 200 feet of the site is limited to office or bank uses.
- c. Restaurants are limited to the eastern 750 feet of the site with the following provisions:
 - (1) Outdoor seating for diners waiting is permitted.
 - (2) Outdoor dining is permitted.
 - (3) No bar facilities shall be permitted in outdoor dining or customer waiting areas.
 - (3) The total number of indoor and outdoor seats, excluding seating for diners waiting, will not exceed 775.
 - (4) Outdoor dining may be located on the north, east, and/or west side of each restaurant. Outdoor dining areas on the north side of each building shall be set back from Red Bug Lake Road as indicated in the diagram "Section A-A" in Exhibit B.
 - (5) Outside amplification of sound is not permitted.
- d. Signage shall be in accordance with the signage standards of the Lake Mary Boulevard Overlay Ordinance.
- e. Operating hours shall be limited to the hours between 7 a.m. and 11 p.m.
- f. The maximum size of any one building shall be 12,000 square feet.
- g. The "proposed private 60' R/W" shown on the final site plan shall be available to provide access to adjoining property to the south.
- h. Decorative crosswalks shall be utilized across driveways or parking areas where pedestrian connections are provided to existing sidewalks along Red Bug Lake Road. Muted or natural colors shall be used.
- i. Extensive monotonous sections of fences shall be avoided by having breaks, incorporating landscaping and other natural features, and shall incorporate muted or natural colors.
- j. All service areas and mechanical equipment (ground or roof), including, but not limited to, air conditioning condensers, heating units, electric meters, satellite dishes, irrigation pumps, ice machines and dispensers, outdoor vending machines, propane tanks, displays and refilling areas shall be screened so that they are not visible from any public right-of-way. The screen shall consist of a solid wall, façade, parapet or other similar screening material which is architecturally compatible and consistent with the associated building. If landscaping is utilized, then the plantings must be high enough within one year of planting to provide the required screening.
- k. No roof shall be predominantly flat. Flat roofs with parapet walls or mansards are acceptable provided it gives the appearance of pitched roofs and it is consistent with the surrounding area structures.

IX. CONSTRUCTION RESPONSIBILITIES

- a. The owner/developer shall construct all common infrastructure and facilities for the site, including the following:
 - (1) Off-site improvements
 - (2) Utilities
 - (3) Buffering and landscaping between parking areas and site boundaries, including landscape islands not adjacent to Building Pads A-D
 - (4) Irrigation
 - (5) Parking
 - (6) Lighting
 - (7) Stormwater retention.
- b. Building pad configurations shown on the Final Site Plan are conceptual and not specifically approved through the plan or through this Agreement.
- c. Occupants of Building Pads A-D shall construct their own respective buildings, irrigation systems, sidewalks, landscaping in planting areas, landscaping in parking islands adjacent to buildings, and other improvements not listed in Paragraph (a) above.

X. PUBLIC FACILITIES

WATER: Water service shall be provided by Seminole County. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

SANITARY SEWER: Central sanitary sewer shall be provided by Seminole County. Design of public lines and pump stations shall conform to all Seminole County and Department of Environmental Protection Standards. Design of private lines and pump stations shall conform to all Department of Environmental Protection Standards.

STORM DRAINAGE: Storm water drainage treatment and storage for pre-post conditions are to be provided off-site or to the master retention pond according to Seminole County and the St. Johns River Water Management District's ERP regulations.

FIRE PROTECTION: Fire protection shall be provided by Seminole County. Fire flow shall meet applicable code requirements. Fire hydrants shall be located according to Seminole county regulations.

XI. STANDARD COMMITMENTS

- a. Unless specifically addressed otherwise herein, all development shall fully comply with all codes and ordinances, including the impact fee ordinance, in effect in Seminole County at the time of permit issuance.
- b. All obligations, liabilities, and responsibilities incurred by or implied by the Owners by this Agreement shall be assumed by any successors-in-interest of any portion of the Property.

- c. This Developer's Commitment Agreement touches and concerns the Property, and the conditions, commitments and provisions of the Developer's Commitment Agreement shall perpetually burden, run with, and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners of the property have expressly covenanted and agreed to this provision and all other terms and provisions of the Developer's Commitment Agreement.
- d. The terms and provisions of the Developer's Commitment Agreement are not severable, and in the event any portion of this Developer's Commitment Agreement shall be found to be invalid or illegal, then the entire Developer's Commitment Agreement shall be null and void.

XII. INTERPRETATION; RELATIONSHIP TO FINAL SITE PLAN AND DEVELOPMENT ORDER.

This Developer's Commitment Agreement is intended to summarize material provisions of the Final Master Plan of the Property approved concurrently herewith by the Board of County Commissioners of Seminole County. In the event of an inconsistency between this Developer's Commitment Agreement and the Final Master Plan, the terms and conditions of the Developer's Commitment Agreement shall control. Furthermore, in the event of a conflict between the terms of the Developer's Commitment Agreement and Development Order Number 01-20000016, dated November 13, 2001, and recorded in Official Records Book 0434, Page 1331, public records of Seminole County, Florida, the terms of the Development Order shall control.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

**DONE AND ORDERED ON
THE DATE FIRST WRITTEN ABOVE**

By: _____
Carlton D. Henley
Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, CECIL A. STONE, Trustee, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Developer's Commitment Agreement.

Witness

Cecil A. Stone, Trustee of the
Janet L. Stone Revocable Trust
dated July 18, 1986, as amended

Print Name

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared CECIL A. STONE, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

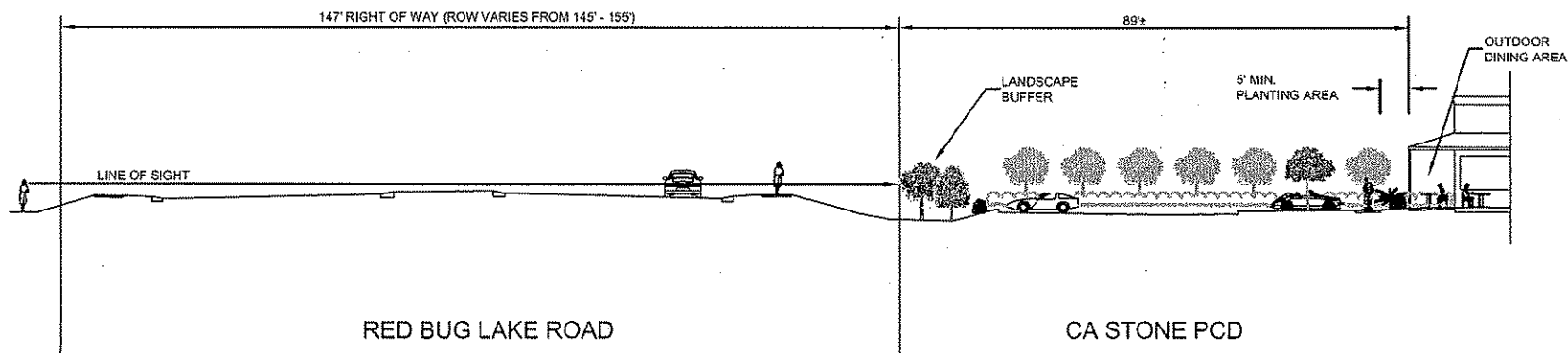
LEGAL DESCRIPTION

That part of Lots 82 and 83, The Slavia Colony Company's Subdivision, according to the plat thereof recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida described as follows:

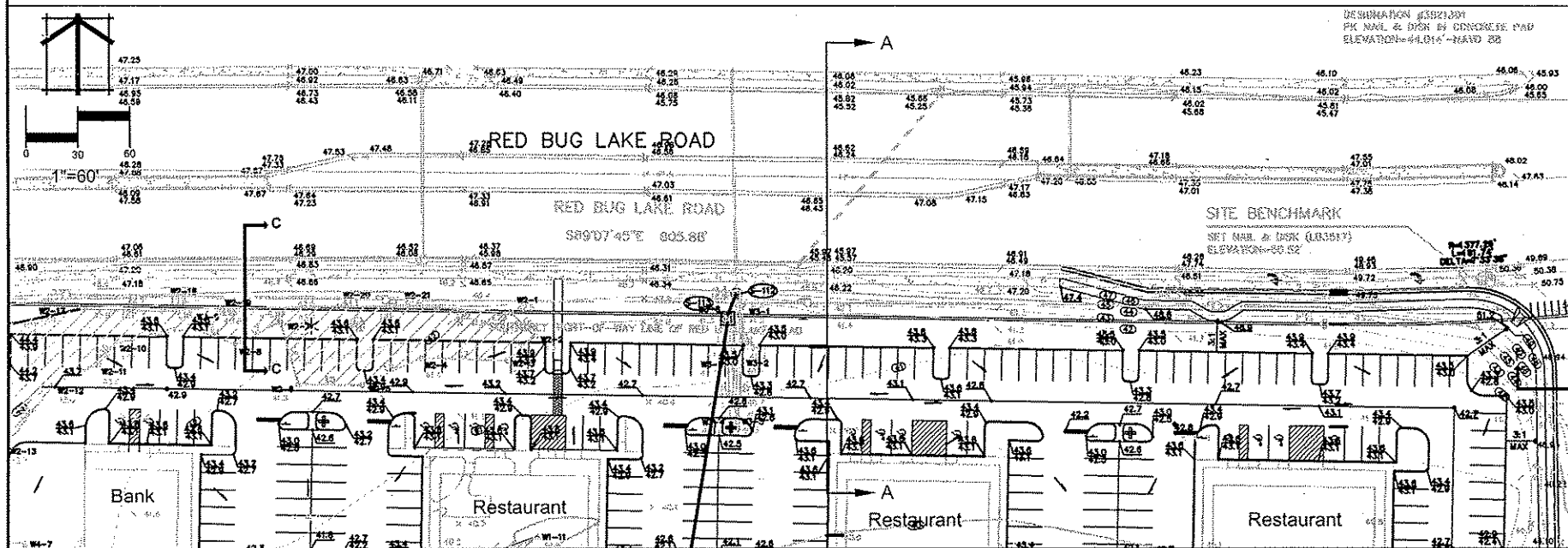
Commence at the Southeast corner of the West 1/2 of Lot 83 of The Slavia Colony Co.S, according to the plat thereof, as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida; thence run N 01°02'35" W along the East line of said West 1/2 of Lot 83 for a distance of 214.65 feet to the Point of Beginning; thence run N 89°07'45" W for a distance of 985.96 feet to the East right-of-way line of Mikler Road, as recorded in Plat Book 6, Page 14, of said Public Records; thence run N 01°20'04 W along said right-of-way line for a distance of 300.22 feet to the Southerly right-of-way line of Red Bug Lake Road; thence run S 89°07'45" E along said right-of-way line for a distance of 805.88 feet to the point of curvature of a curve concave Northerly having a radius of 1377.26 feet; thence run Easterly along said curve and said right-of-way line through a central angle of 07°33'38" for a distance of 181.74 feet to a point of non-tangency; thence run S 01°02'35" E along said East line of the West 1/2 of Lot 83 for a distance of 312.15 feet to the Point of Beginning.

EXHIBIT B

RED BUG LAKE ROAD SECTION



SECTION "A-A"




 Engineers Architects Surveyors Planners Landscape Architects Environmental Scientists Construction Management Design / Build	1117 East Robinson Street Orlando, FL 32803 Phone: 407.435.0452 Fax: 407.648.1036	Date: 1/4/07	RED BUG LAKE ROAD SECTION	EXHIBIT X	Page 1-4
		Job No. C13201			
		Scale: VARIES	C.A. STONE PCD		
		Copyright © Authorization No. 3115 © 2005	CWS-OVIEDO DEVELOPMENT LLC		

EXHIBIT C

ALTERNATE BUFFERING REQUIREMENTS

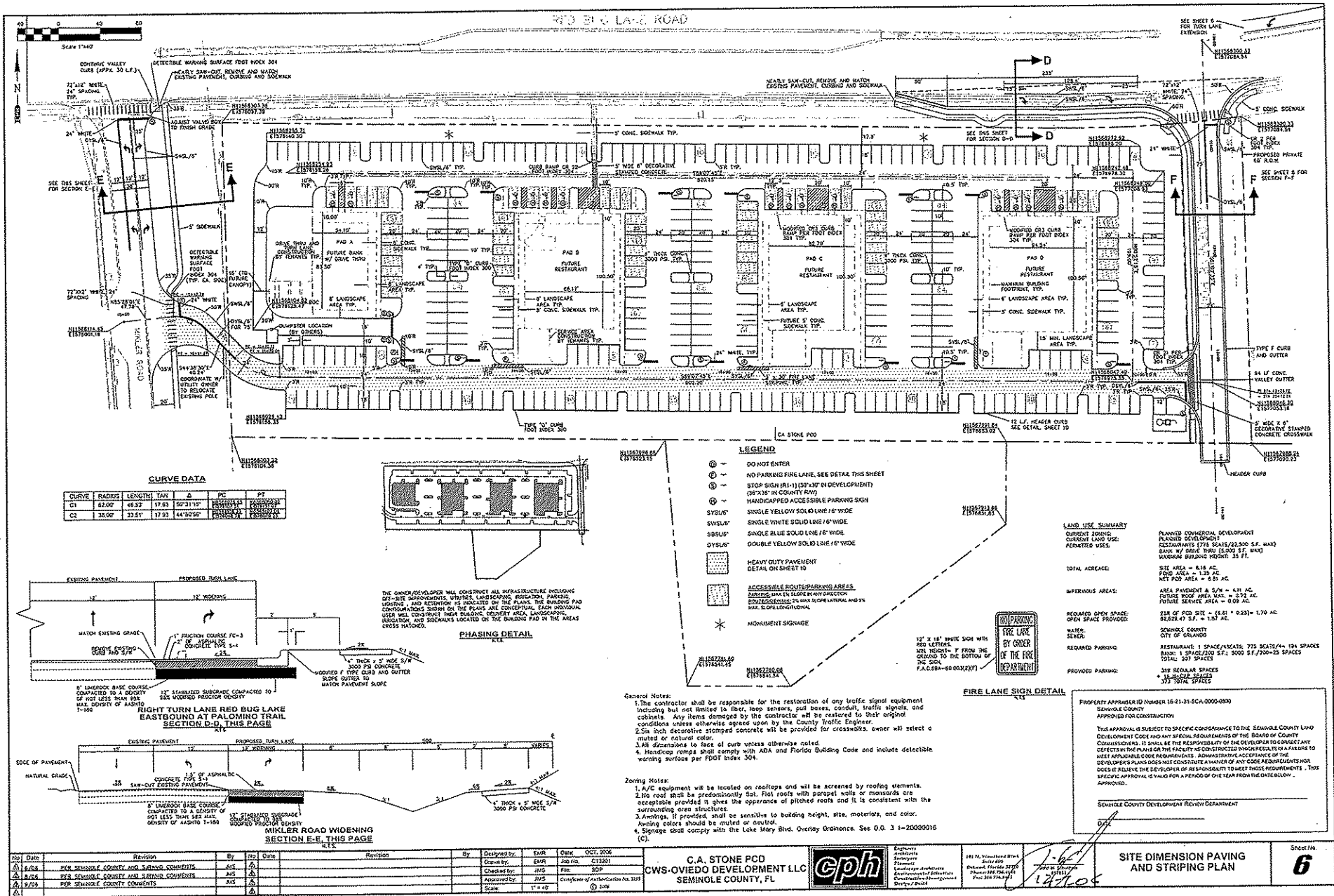
South Property Line

Required Opacity = 0.6

	----Plants per 100 linear feet----			Width	Structure
	Canopy	Understory	Shrubs		
Active Buffer (per existing Code)	8	0	0	25'	6' solid masonry wall
Alternative 1	4	8	19	25'	3' continuous hedge
Alternative 2	5	9	22	20'	4' berm
Alternative 3	5	10	24	15'	6' solid masonry wall

EXHIBIT D

FINAL SITE PLAN



Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- A. The west 200 feet of the site is limited to office or bank uses.
- B. Restaurants may only be located on the eastern half of the site with no outdoor seating, no outside amplification of sound, and the restaurant must be sit-down only (no drive-thru or "fast food").
- C. Signage shall be in accordance with the signage standards of the Lake Mary Boulevard Overlay Ordinance.
- D. Operating hours shall be limited to the hours between 7 a.m. and 11 p.m.
- E. The maximum building size shall be 30,000 square feet and no "strip" centers shall be developed. Building configuration shall be determined at the time of Final PCD Master Plan approval.
- F. Wet retention ponds shall be designed as amenities. They shall be aesthetically pleasing. All ponds shall be accented with natural form edges and native landscaping.
- G. Vegetation is encouraged where no natural plant communities exist. Landscaping shall rely on the use of native plant materials. Plant materials and types shall be determined at time of Final PCD Site Plan approval.
- H. Where feasible, parking shall be master planned and should be located at the rear or side of buildings. Shared property access and cross access easements between adjacent parcels shall be required to the east of the property unless staff determines it is not feasible.
- I. Decorative crosswalks should be utilized where sidewalks cross driveways or parking areas. Muted or natural colors shall be used.
- J. Extensive monotonous sections of fences shall be avoided by having breaks, incorporating landscaping and other natural features, and shall incorporate muted or natural colors.
- K. All service areas and mechanical equipment (ground or roof), including, but not limited to, air conditioning condensers, heating units, electric meters, satellite dishes, irrigation pumps, ice machines and dispensers, outdoor vending machines, propane tanks, displays and refilling areas shall be screened so that they are not visible from any public right-of-way. The screen shall consist of a solid wall, façade, parapet or other similar screening material which is architecturally compatible and consistent with the associated

building. If landscaping is utilized, then the plantings must be high enough within one year of planting to provide the required screening.

- L. Buildings over 20,000 square feet shall provide variations in the roofline and wall planes which may include architectural enhancements.
- M. Pitched roofs shall be encouraged, and no roof shall be predominantly flat.
- N. Awnings, if provided, shall be sensitive to the building height, size, materials and color. Awning colors should be muted or neutral.

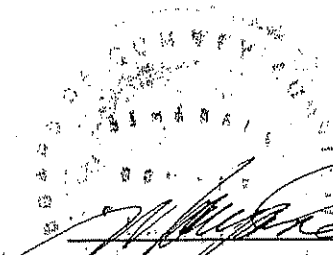
(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____

Board of County Commissioners
Daryl G. McLain, Chairman



MARYANNE MORSE
Clerk of the Board of
County Commissioners of
Seminole County, Florida

EXHIBIT A

LEGAL DESCRIPTION

That part of Lots 82 and 83, THE SLAVIA COLONY CO.S, according to the plat thereof recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida described as follows:

COMMENCE at the Southeast corner of the West 1/2 of Lot 83 of THE SLAVIA COLONY CO.S, according to the plat thereof, as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida; thence run N 01°02'35" W along the East line of said West 1/2 of Lot 83 for a distance of 214.65 feet to the POINT OF BEGINNING; thence run N 89°07'45" W for a distance of 985.96 feet to the East right-of-way line of Mikler Road, as recorded in Plat Book 6, Page 14, of said Public Records; thence run N 01°20'04" W along said right-of-way line for a distance of 300.22 feet to the Southerly right-of-way line of Red Bug Lake Road; thence run S 89°07'45" E along said right-of-way line for a distance of 805.88 feet to the point of curvature of a curve concave Northerly having a radius of 1377.26 feet; thence run Easterly along said curve and said right-of-way line through a central angle of 07°33'38" for a distance of 181.74 feet to a point of non-tangency; thence run S 01°02'35" E along said East line of the West 1/2 of Lot 83 for a distance of 312.15 feet to the POINT OF BEGINNING.

Containing 6.812 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Janet L. Stone, Trustee, on behalf of herself and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Witness

Janet L. Stone Trustee
STONE JANET L TRUSTEE,
Property Owner

STATE OF FLORIDA)

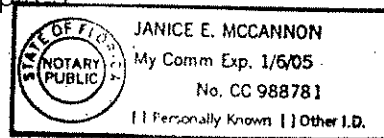
COUNTY OF SEMINOLE - *ORANGE*

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Janet L. Stone who is personally known to me or who has produced Personally Known as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 20 day of February, 2002.

Janice E. McCannon
Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



PLANNING AND DEVELOPMENT DEPARTMENT

ADMINISTRATION



March 14, 2006

Michelle H. Tanner
CPH Engineers, Inc
1117 East Robinson Street
Orlando, Florida 32801

FILE C.A. Stone PCD
File

RE: C.A. Stone Planned Commercial Development

Dear Ms Tanner,

This letter is in response to your correspondence dated March 3, 2006, requesting clarification on the conditions of the Development Order for C.A. Stone Rezoning. After reviewing the tapes from the Planning and Zoning meeting held October 3, 2001 and Board of County Commission meeting, held November 13, 2001; Staff has determined that the condition regarding the location of restaurants on the "eastern half" only was a result of a negotiation between the Red Bug Coalition and the developer. On January 3, 2006 staff received a copy of a letter from CWS Development to Greg Pryor, chairman of the Red Bug Coalition indicating the coalition's support of your request to locate restaurant uses on the eastern three quarters. Therefore Staff is administratively approving your request to modify condition to state "eastern three quarters".

As to your second request to clarify the language "no outdoor seating" staff is in agreement that the intent of this condition was to prohibit outside dining and that outdoor seating for waiting diners is acceptable. Please understand the other requirements of Condition B need to be met, "no outside amplification of sound and the restaurant must be sit-down only (no drive-thru or 'fast-food')".

In regards to Condition M: 'Pitched roofs shall be encouraged, and no roof shall be predominantly flat', the proposed flat roofs with parapet walls or mansards would be acceptable provided it gives the appearance of pitched roofs and is consistent with the surrounding area structures.

If I can be of further assistance in this matter, please don't hesitate to call my office at 407-665-7397.

Sincerely,

Dan Matthys, AICP, CPM
Planning & Development Director

CC: Tony Walter
File

CWS DEVELOPMENT

16203 Sentry Woods Court
Odessa, FL 33556
813-926-6477

Chris
407-679-6606
407-716-3875

Mr. Greg Pryor
Chairman
Red Bug Road Coalition

January 3, 2006

RE: C. A. Stone Planned Commercial Development

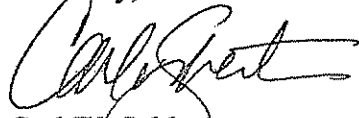
Dear Greg:

Thank you for meeting with me on December 19th to discuss my proposed development of the C. A. Stone Planned Commercial Development (PCD) located on the southeast corner of Red Bug Lake Road and Mikler Road. Per our discussion, the desired development scenario includes a bank or office at the western side of the site and three, full-service restaurants on the remainder of the site.

As you know, condition (3)B of the PCD Development Order stipulates that "Restaurants may only be located on the eastern half of the site...." In order to achieve the desired development scenario, this stipulation must be modified to allow restaurants on the eastern three quarters of the site. Based on our discussions, it is my understanding that the Red Bug Road Coalition is amenable to this modification of condition (3)B. With that in mind, I am requesting that the Red Bug Road Coalition indicate their support of the aforementioned modification of the Development Order by signing below.

I appreciate the time and effort that the Coalition has put into this project. Your assistance is greatly appreciated. Should you have any questions, please do not hesitate to call me. I look forward to the return of this signed letter.


Sincerely,


Carl W. Sahlsten
President

ADDED BY RED BUG RESIDENTIAL COALITION

All items in attached Original Development Order #1-20000016 to remain in effect as written with exception of item B reading "Restaurants may only be located on the eastern half of the site." Which is changed as noted above.....(See Attached)

Agreed:


Greg Pryor, Chairman
Red Bug Road Coalition

Sent to Don

CWS DEVELOPMENT

16203 Sentry Woods Court

Odessa, FL 33556

813-926-6477

Mr. Greg Pryor
Chairman
Red Bug Road Coalition

April 27, 2006

RE: C. A. Stone Planned Commercial Development located on the southeast corner of Red Bug Lake Road and Mikler Road

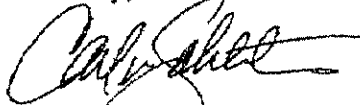
Dear Greg:

Thank you for supporting my proposed development of the above referenced property. Per our January 3rd letter, the proposed development includes a bank at the far western side of the site and restaurants on the eastern three quarters of the site.

As you know, condition (3)B of the PCD Development Order stipulates that restaurants will be "with no outdoor seating," As I have been talking to prospective restaurants about this location, several have expressed a lack of interest due to the restriction on outdoor seating. They are concerned for generally two reasons. First, outside dinning is an integral part of many restaurant concepts and they are unwilling to alter the look and feel of their concept. Second, due to the smoking laws in Florida, an outdoor patio area has become the only option for restaurants to accommodate customers that smoke. A few examples of restaurants include Harry's Seafood, Dexter's and Panera Bread. The stipulation needs to be modified to delete the outdoor seating restriction; however, the restriction on outside amplification of sound would not change. If the Red Bug Road Coalition is amenable to this modification of condition (3)B of the Development Order, I am requesting that the Red Bug Road Coalition indicate their support by signing below.

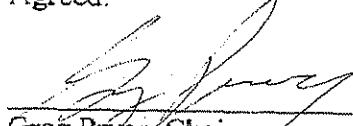
I appreciate the continued support of the Coalition for this project. Your assistance is greatly appreciated. Should you have any questions, please do not hesitate to call me. I look forward to the return of this signed letter.

Sincerely,



Carl W. Sahlsten
President

Agreed:



Greg Pryor, Chairman
Red Bug Road Coalition

cws/js

RECEIVED

MAY 05 2006

CPH ORLANDO

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 13, 2007, Seminole County issued this Amended Development Order superseding the original Development Order issued November 13, 2001, relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Janet L. Stone Revocable Trust
Cecil A. Stone, Trustee
1110 SW Ivanhoe Boulevard, Apt. 19
Orlando FL 32804

Project Name: C.A. STONE REZONING

Requested Development Approval: Rezoning from A-1 zoning classification to PCD zoning classification

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: JEFF HOPPER, SENIOR PLANNER
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- A. The west 200 feet of the site is limited to office or bank uses.
- B. Restaurants may only be located on the eastern half 750 feet of the site with ~~no outdoor seating~~; no outside amplification of sound, and the restaurant must be sit-down only (no drive-thru or "fast food").
- C. Outdoor dining is permitted but the total number of indoor and outdoor seats, excluding seating for diners waiting, shall not exceed 775.
- D. Outdoor dining may be located on the north, east, and/or west side of each restaurant. Outdoor dining/seating on the north side of each building shall be set back from Red Bug Lake Road a distance of no less than 94 feet.
- E. No bar facilities shall be permitted in outdoor dining or seating areas.
- F. Signage shall be in accordance with the signage standards of the Lake Mary Boulevard Overlay Ordinance.
- G. Operating hours shall be limited to the hours between 7 a.m. and 11 p.m.
- H. The maximum building size shall be 30,000 square feet and no "strip" centers shall be developed. Building configuration shall be determined at the time of Final PCD Master Plan approval.
- I. Wet retention ponds shall be designed as amenities. They shall be aesthetically pleasing. All ponds shall be accented with natural form edges and native landscaping.
- J. Vegetation is encouraged where no natural plant communities exist. Landscaping shall rely on the use of native plant materials. Plant materials and types shall be determined at time of Final PCD Site Plan approval.
- K. Where feasible, parking shall be master planned and should be located at the rear or side of buildings. Shared property access and cross access easements between adjacent parcels are encouraged.
- L. Decorative crosswalks should be utilized where sidewalks cross driveways or parking areas. Muted or natural colors shall be used.
- M. Extensive monotonous sections of fences shall be avoided by having breaks, incorporating landscaping and other natural features, and shall incorporate muted or natural colors.

- N. All service areas and mechanical equipment (ground or roof), including, but not limited to, air conditioning condensers, heating units, electric meters, satellite dishes, irrigation pumps, ice machines and dispensers, outdoor vending machines, propane tanks, displays and refilling areas shall be screened so that they are not visible from any public right-of-way. The screen shall consist of a solid wall, façade, parapet or other similar screening material which is architecturally compatible and consistent with the associated building. If landscaping is utilized, then the plantings must be high enough within one year of planting to provide the required screening.
- O. Buildings over 20,000 square feet shall provide variations in the roofline and wall planes which may include architectural enhancements.
- P. Pitched roofs shall be encouraged, and no roof shall be predominantly flat.
- Q. Awnings, if provided, shall be sensitive to the building height, size, materials and color. Awning colors should be muted or neutral.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Board of County Commissioners
Carlton D. Henley, Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, CECIL A. STONE, Trustee, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Cecil A. Stone, Trustee of the
Janet L. Stone Revocable Trust
dated July 18, 1986, as amended

Print Name

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared CECIL A. STONE, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A**LEGAL DESCRIPTION**

That part of Lots 82 and 83, The Slavia Colony Company's Subdivision, according to the plat thereof recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida described as follows:

Commence at the Southeast corner of the West 1/2 of Lot 83 of The Slavia Colony Co.S, according to the plat thereof, as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida; thence run N 01°02'35" W along the East line of said West 1/2 of Lot 83 for a distance of 214.65 feet to the Point of Beginning; thence run N 89°07'45" W for a distance of 985.96 feet to the East right-of-way line of Mikler Road, as recorded in Plat Book 6, Page 14, of said Public Records; thence run N 01°20'04 W along said right-of-way line for a distance of 300.22 feet to the Southerly right-of-way line of Red Bug Lake Road; thence run S 89°07'45" E along said right-of-way line for a distance of 805.88 feet to the point of curvature of a curve concave Northerly having a radius of 1377.26 feet; thence run Easterly along said curve and said right-of-way line through a central angle of 07°33'38" for a distance of 181.74 feet to a point of non-tangency; thence run S 01°02'35" E along said East line of the West 1/2 of Lot 83 for a distance of 312.15 feet to the Point of Beginning.

BOARD OF COUNTY COMMISSIONERS

SEMINOLE COUNTY, FLORIDA

NOVEMBER 13, 2001

The following is a non-verbatim transcript of the **BOARD OF COUNTY COMMISSIONERS MEETING OF SEMINOLE COUNTY, FLORIDA**, held at 9:35 a.m., on Tuesday, November 13, 2001, in the **SEMINOLE COUNTY SERVICES BUILDING** at **SANFORD, FLORIDA**, the usual place of meeting of said Board.

Present:

Chairman Dick Van Der Weide (District 3)

Vice Chairman Randy Morris (District 2)

Commissioner Grant Maloy (District 1)

Commissioner Daryl McLain (District 5)

County Manager Kevin Grace

County Attorney Robert McMillan

Deputy Clerk Eva Roach

Absent: Commissioner Carlton Henley

PUBLIC HEARINGS

SMALL SCALE AMENDMENT AND REZONE

C. A. STONE

Proof of publication, as shown on page _____, calling for a public hearing to consider a Small Scale Amendment from LDR (Low Density Residential) to Commercial or Planned Development; and Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development); property located on the south side of Red Bug Lake Road, between Mikler Road and Slavia Road, C. A. Stone, received and filed.

Senior Planner, Cindy Matheny, addressed the Board to state staff recommends approval of the Planned Development land use with findings that it would be: (1) Consistent with Plan policies related to the Planned Development land use designation; (2) Consistent with adjacent Low Density Residential and Planned Development land uses; (3) An appropriate transitional use at this location; and (4) Consistent with Plan policies identified at this time.

Staff also recommended that the rezoning is in compliance with the applicable provisions of the Vision 2020 Plan and the Seminole County Land Development Code related to PCD zoning; and (2) The request, as proposed, would be compatible with surrounding development and surrounding Future Land Use designations of Suburban Estates and Low Density Residential. Staff recommends approval of the rezoning to Planned Commercial District, subject to the following: (1) The west 200 feet of the site is limited to office or bank uses; (2) Restaurants may only be located on the eastern half of the site with no outdoor seating, no outside amplification of sound, and the restaurant must be sit-down only (no drive-thru or "fast food"); (3) Signage shall be in accordance

with the signage standards of the Lake Mary Boulevard Overlay Ordinance; (4) Operating hours shall be limited to the hours between 7 a.m. and 11 p.m.; (5) The maximum building size shall be 30,000 square feet and no “strip” centers shall be developed. Building configuration shall be determined at the time of Final PCD Master Plan approval; (6) Wet retention ponds shall be designated as amenities. They shall be aesthetically pleasing. All ponds shall be accented with natural form edges and native landscaping; (7) Vegetation is encouraged where no natural plant communities exist. Landscaping shall rely on the use of native plant materials. Plant materials and types shall be determined at time of Final PCD Site Plan approval; (8) Where feasible, parking shall be master planned and should be located at the rear or side of buildings. Shared property access and cross access easements between adjacent parcels are encouraged; (9) Decorative crosswalks should be utilized where sidewalks cross driveways or parking areas. Muted or natural colors shall be used; (10) Extensive monotonous sections of fences shall be avoided by having breaks, incorporating landscaping and other natural features, and shall incorporate muted or natural colors; (11) All service areas and mechanical equipment (ground or roof), including, but not limited to, air conditioning condensers, hearing units, electric meters, satellite dishes, irrigation pumps, ice machines and dispensers, outdoor vending machines, propane tanks, displays and refilling areas shall be screened so that they are not visible from any public right-of-way. The screen shall consist of a solid wall, façade, parapet or other similar screening material, which is architecturally compatible and consistent with the associated building. If landscaping is utilized, then the plantings must be high enough within one year of planting to provide the required screening; (12) Building over 20,000 square feet shall provide variations in

the roofline and wall planes which may include architectural enhancements; (13) Pitched roofs shall be encouraged, and no roof shall be predominantly flat; and (14) Awnings, if provided, shall be sensitive to the building height, size, materials and color. Awning colors should be muted or neutral.

Ms. Matheny advised the P&Z voted 5 to 0 to recommend approval of the land use and rezoning to PCD.

Commissioner Morris directed staff to brief the P & Z at their next meeting on the additional recommendations so they are aware of what has transpired.

Commissioner Maloy stated he would like to see stronger wording on Condition #8 to read that cross access easements shall be required.

Jim Stelling, representing the applicant, addressed the Board to state he is not sure about the cross access easement since the adjacent property owner wasn't too willing. He said on this property, ingress and egress can be controlled and he imagines it can be on any other property. He said if the Board mandates this, they would have to specify cross access easement with whom.

Commissioner Maloy said his thinking was that in the future, if the properties get developed, these could all interconnect together so they could potentially go out to Slavia.

Commissioner McLain clarified that Commissioner Maloy would like the applicant to agree to allow cross access for additional parcels in the future.

Applicant C. A. Stone addressed the Board to state he doesn't know how much traffic that would generate and that could backlog him.

Commissioner Morris stated that generally, a cross access easement on a retail situation allows for more traffic as people are willing to do double stops.

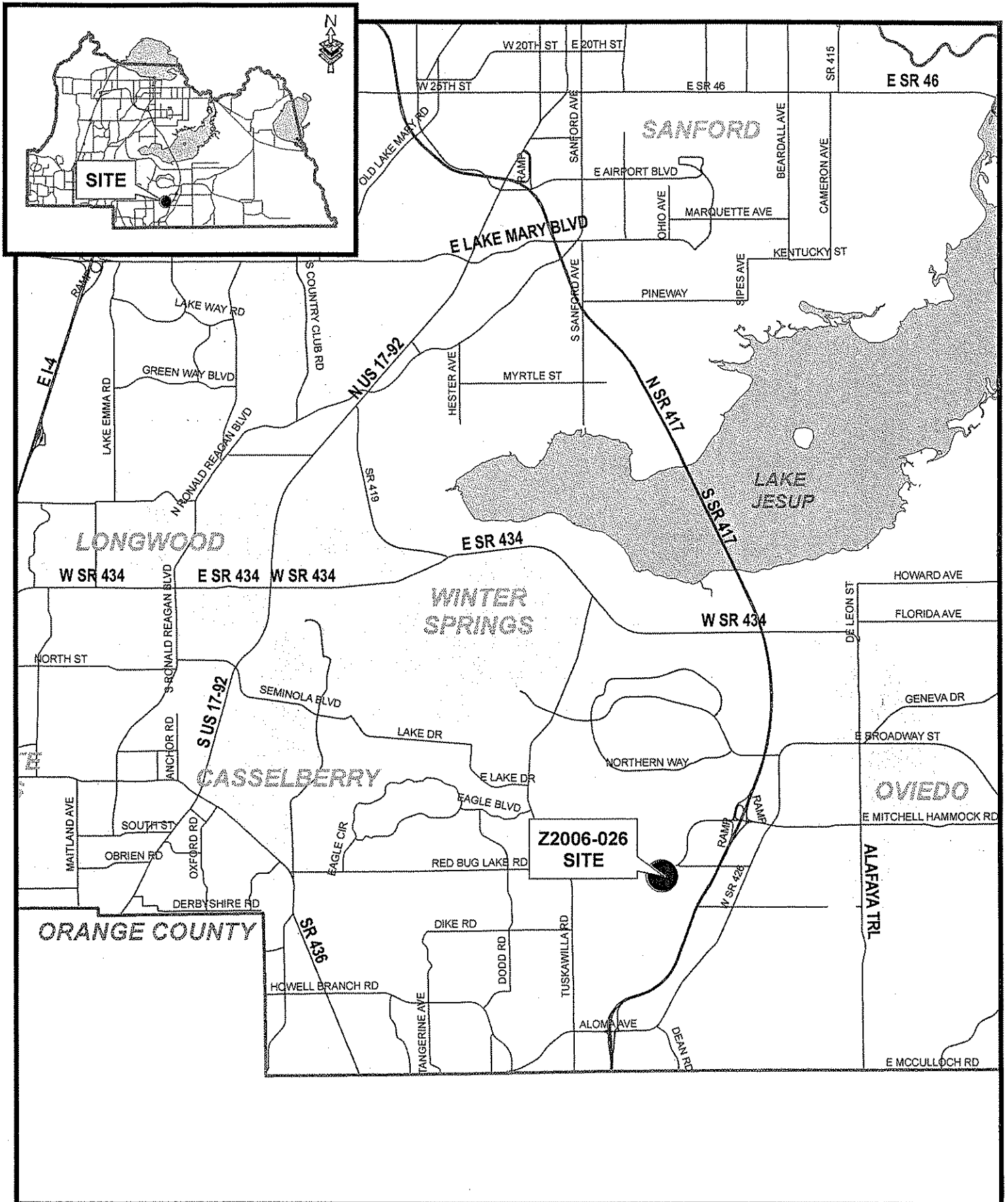
Commissioner Maloy stated he thinks this plan is substantially better than the previous one and he is glad to see all the conditions that will make this a neighborhood friendly type of development.

No one spoke in support or in opposition.

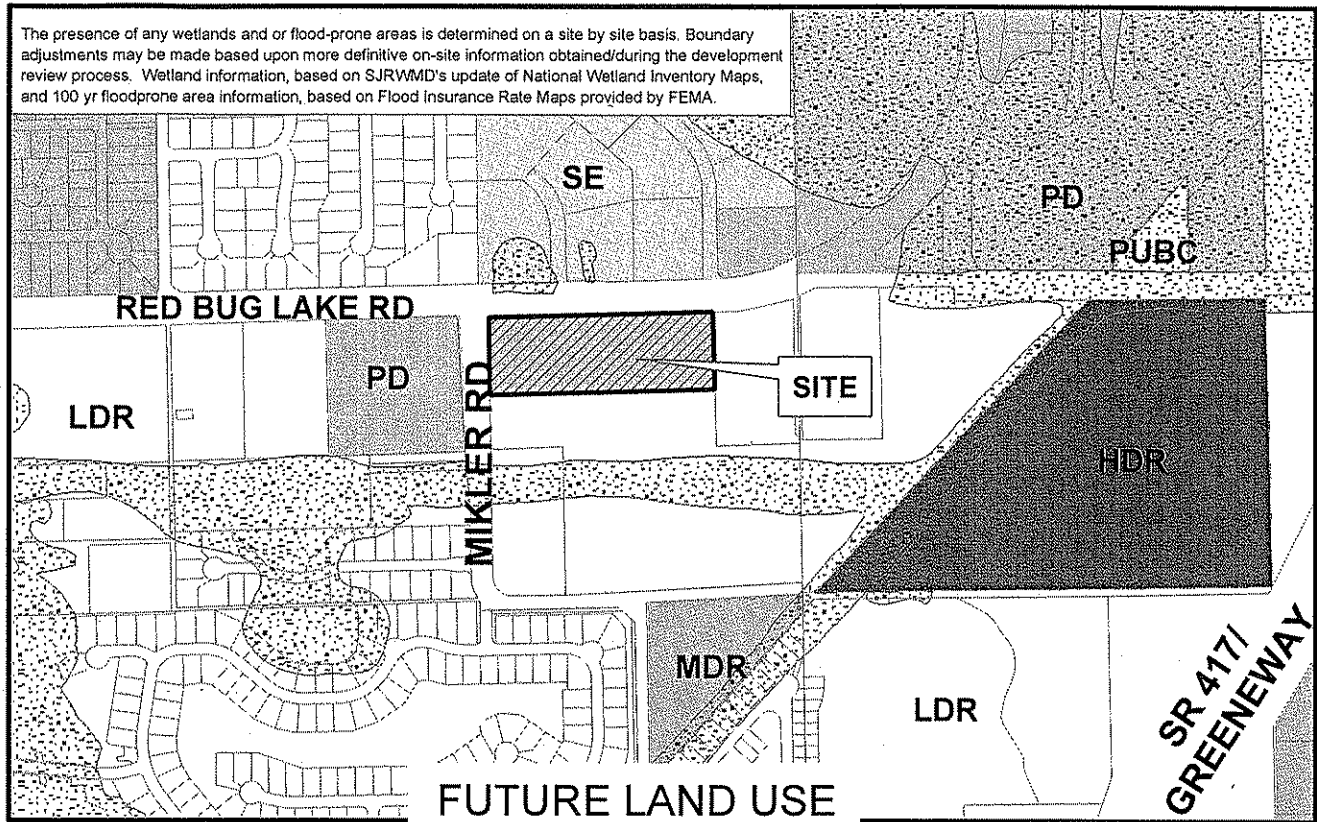
Motion by Commissioner Maloy, seconded by Commissioner Morris, to approve the Plan Amendment from Low Density Residential to Planned Development, by adoption of Ordinance #2001-47, as shown on page _____, and approve rezoning from A-1 to Planned Commercial Development, by adoption of Ordinance #2001-48, as shown on page _____; with staff recommendations and amendment to Condition #8 to specify that cross access shall be required to the east of the property unless staff determines that it is unfeasible; property located on the south side of Red Bug Lake Road, between Mikler Road and Slavia Road; as described in the proof of publication, C. A. Stone.

Districts 1, 2, 3, and 5 voted AYE.

Commissioner Morris complimented the District Commissioner and said he thinks they have set some really good standards and he can say this is going to be better.



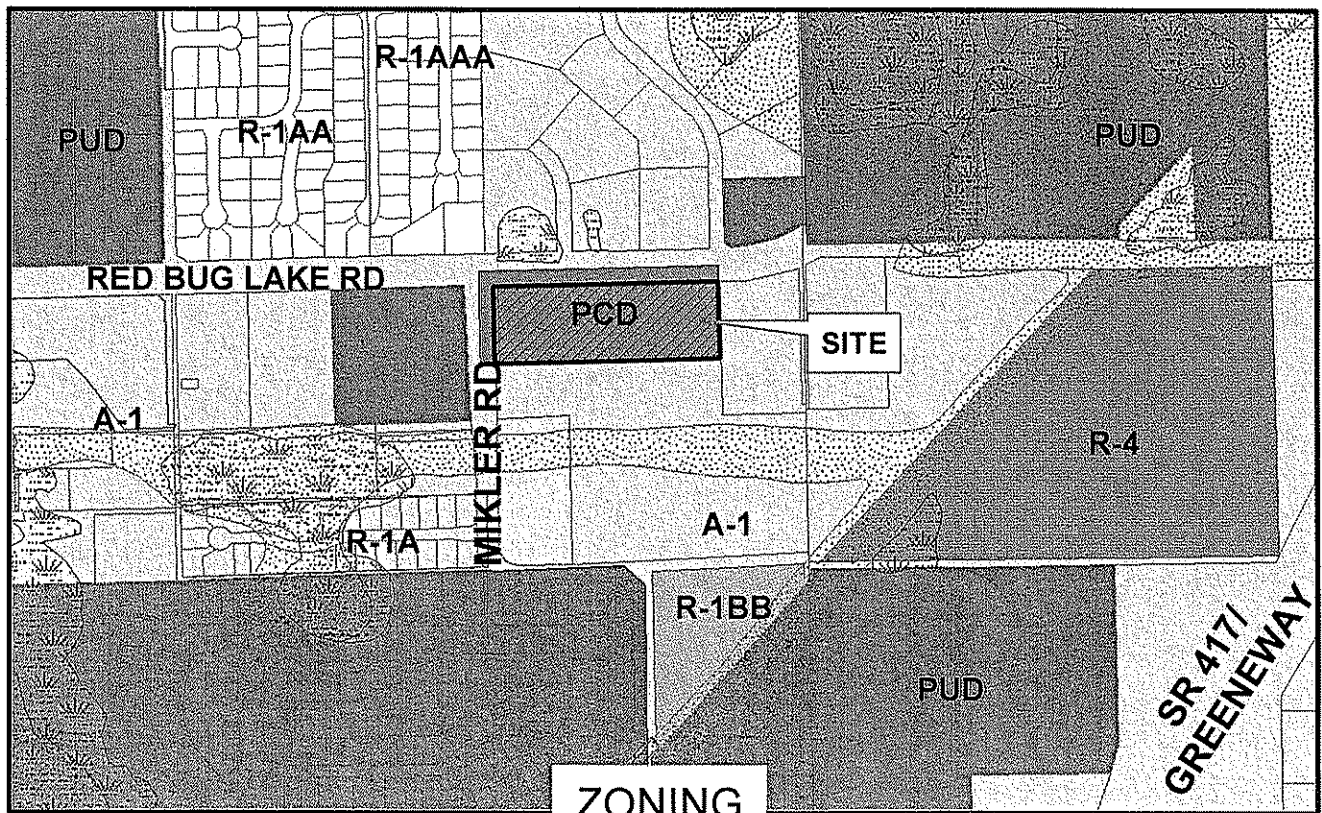
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



LDR SE PD MDR HDR Site CONS

Applicant: Janet and Cecil Stone
 Physical STR: part of 16-21-31-5CA-0000-0800
 Gross Acres: 6.81+/- BCC District: 1
 Existing Use: Vacant
 Special Notes: Final Site Plan

	Amend/ Rezone#	From	To
FLU	n/a	n/a	n/a
Zoning	Z2006-026	n/a	n/a



A-1 R-1A R-1AA R-1AAA R-1BB R-4 PUD PCD
 FP-1 W-1



Rezone No: Z2006-026
Final Master Plan

- ☐ Parcel
- ☒ Subject Property



Winter 2006 Color Aerials

